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EXAMINER

BAYAT, BRADLEY B

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/029,240
Filing Date: December 28, 2001
Appellant(s): JO, SEONG JIN

MAILED

JAN 25 2008

GROUP 3600

John C. Eisenhart
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/7/2007 appealing from the Office action mailed 11/30/2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(8) Evidence Relied Upon

20040133793	GINTER et al.	7-2004
5,757,643	KURODO et al.	5-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. (hereinafter Ginter), US 2004/0133793 A1.

As per the following claims, Ginter discloses:

1. A method of managing use of a rental home appliance, comprising: receiving information on a use of the rental home appliance through a communication network (§0110, 137-140, communication means); calculating a charge (§1515, billing amount calculation algorithm) for the use of the rental home appliance based on the received use information; and transmitting the calculated charge to a user's terminal through the communication network (§1835, 1866-1868, portable VDE electronic appliance 2600 may carry (as may other VDE electronic appliance 600s described) information describing credit history details, summary of authorizations, and usage

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history information (e.g., audit of some degree of transaction history or related summary information such as the use of a certain type/class of information) that allows re-use of certain VDE protected information at no cost or at a reduced cost. Such usage or cost of usage may be contingent, at least in part, on previous use of one or more objects or class of objects or amount of use, etc., of VDE protected information, 0222, smart objects can make efficient use of remote resources (e.g. centralized databases, super computers, etc.) while providing a secure means for charging users based on information and/or resources actually used).

2. The method of claim 1, wherein said appliance is a washing machine (§1835, washing machine).

3. The method of claim 2, wherein said received use information for calculating a charge includes at least one of a type of washing machine, a load capacity of the washing machine, a motor type of the washing machine, an amount of clothes to be washed, a selected washing course program, a selected washing time, a selected number of washing repetitions, a selected number of agitation or spin cycles, and a number of rinsing repetitions (§0222-229, i.e., usage metering, §1863, the auxiliary terminal could be menu and/or icon driven, and allow very easy user selection of categorization; §2350-2354, appliance rental).

4. The method of claim 1, wherein the appliance is activated by a start signal from a registered subscriber's personal computer or a mobile terminal (§1988-1990; 2350-2354, appliance rental).

5. The method of claim 1, further comprising: entering a subscriber number and a unique number of the appliance through a communication network; authenticating said subscriber number and said unique number of the appliance; and activating said appliance if said subscriber number and said unique number of the appliance are authentic (§2107-2109).

6. The method of claim 1, wherein the user's terminal is a personal computer or a mobile terminal (§0011).

7. The method of claim 1, further comprising sending a bill for use of the appliance after each use of the appliance to a corresponding subscriber (§0016, VDE reliably bills user; see also 0111-0140).

8. A method of managing the use of a rental home appliance through a communication network, comprising (§2350-2354:

- authenticating a subscriber number received through the communication network (1840-1842, authentication of VDE appliance);
- transmitting a start signal for a rental home appliance identified by the subscriber number from a server through the communication network to a corresponding subscriber's terminal if the subscriber number is authenticated successfully (1983-1990; command signals);
- receiving use information of the rental home appliance through the communication network (2001, appliance usage/metering);

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- calculating a charge for the use of the rental home appliance based on the received use information (0633, 0699, 1042, 1093, 2285; calculating usage and charging based on resources used); and
- transmitting the calculated charge to the subscriber's terminal through the communication network (1129, fig 21 and associated text).

Claims 9-14 are rejected as above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al., US 2004/0133793 A1 in view of Kurodo et al., (hereinafter Kurodo), US 5,757,643.

As per claims 15, Ginter discloses method of managing use of an appliance, i.e., a washing machine through a communication network, comprising: receiving information on washing machine usage through the communication network; calculating a charge for use of the washing machine based on the received information; transmitting the calculated charge to a user's terminal through the communication network (see rejection above). Although Ginter the elements noted above, it does not explicitly disclose a sensor mechanism that is specific to conditions based on clothes inserted in a washing machine.

Kurodo teaches a remote management system where data detected by a sensor for detecting a condition of a machine is transmitted (see abstract, column 3, line 45-column 4, line 58). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the specific parameters for household appliances in order to efficiently and accurately manage remote appliances and charge the user accordingly.

Claims 16-18 are further rejected under Ginter as provided in detail under 102(e) rejection above.

Claims 19-29 directed to substantially similar subject matter are rejected as above.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

(10) Response to Argument

As per claims 1, 8, 19 and 23, Appellant argues that Ginter fails to disclose "receiving information on the use of a rental home appliance (Brief p. 22)." Ginter provides a dynamic and comprehensive communication system wherein "content usage control information [is] enforced

through budgeting, metering, and/or reporting of electronic information and/or appliance (Ginter 0139; see Appliance Rental beginning on par. 2349).

Appellant further argues that Ginter merely discloses “calculating a charged based” generally rather than a charge based on use of a rental home appliance (Brief pp. 22-23). As disclosed throughout Ginter and particularly paragraph 1515 describing a billing method for usage of remote objects (Ginter par.1835, electronic appliance such as a washing machine). Ginter discloses that usage can be securely transmitted via a VDE as part of a communications network to receive usage information to calculate and charge a user based on actual resources used (i.e., the number of cycles a user has used the washing machine in the last month). “For example, metered, recorded VDE content and/or appliance usage information may be filtered prior to reporting it to distributor 106 to prevent more information than necessary from being revealed about content user 112 and/or her usage (par. 2001).” Accordingly, Appellant’s argument is without merit.

Appellant further contends since the amendment to the claims wherein a “rental home” appliance is specified, Ginter fails to provide such a limitation since it is “wholly focused on electronic content (brief p. 23).” As indicated above, although Ginter’s system and method can be utilized with any appliance, Ginter does indicate that the invention could be useful for use with rental appliances beginning on paragraph 2350.

As per dependent claims 2-7, 9-14, 19-22 and 24-29, Appellant relies on the above cited arguments to overcome the rejection (Brief pp. 23-34. The Examiner also relies on the above noted response to Appellant’s arguments.

As per claims 15-18, Appellant argues that the cited references fail to disclose the limitation of “receiving information on washing condition program settings based on clothes inserted in the washing machine (Brief pp. 35-37).” The intended use of the clothes inserted in the washing machine fails to have patentable weight on the claim as recited. For instance, even though the user may insert a light colors, dark colors or a large or small load is not functionally relevant; the fact that a user may select a specific type of wash cycle clearly transmits that signal and/or data to the receiver. Accordingly, such intended use language fails to distinguish over the cited references. In fact, the recited claim language fails to disclose the claim limitations as purported by Appellant.

As per the language of the above noted claims, Kurodo teaches the broadly claimed recitation of “receiving information on washing conditions program settings.” Kurodo teaches a remote management system wherein data detected by a sensor for detecting a condition of a machine is transmitted (see abstract and column 3, line 45-column 4, line 58).

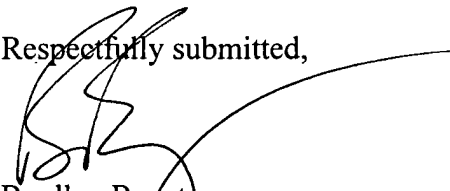
Appellant has relied on the above noted arguments in overcoming the rejection of dependent claims 16-18. The Examiner accordingly relies on the response to arguments recited above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,





Bradley Bayat
Primary Examiner
Art Unit 3621

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 for K.A.